

# Board of Zoning Adjustment

## Staff Report

June 15, 2026



<b>Case No:</b>	26-VARIANCE-0043
<b>Project Name:</b>	Terudon Dr Fence & Accessory Structures
<b>Location:</b>	1201 Terudon Dr
<b>Applicant:</b>	Michel Acosta
<b>Representative:</b>	Michel Acosta
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	12 – Jonathan Joseph
<b>Case Manager:</b>	Abby Bills, Planner I

**REQUEST**

- **Variance** from Land Development Code Section 5.1.12.B.2.e.i.1 to allow two (2) accessory structures to encroach in the front and street side yard infill setbacks.
- **Variance** from Land Development Code Section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in the front and street side yard infill setbacks.

<b>Accessory Structure Location</b>	<b>Requirement</b>	<b>Request</b>	<b>Variance</b>
Front Yard Infill Setback	30 ft. - 40 ft.	3 ft.	27 ft.
Street Side Yard Infill Setback	40 ft.	21 ft.	19 ft.

<b>Fence Location</b>	<b>Requirement</b>	<b>Request</b>	<b>Variance</b>
Front & Street Side Yard Infill Setback	48 in.	72 in.	24 in.

**CASE SUMMARY**

The subject site is approximately 0.22 acres in the R-4 Single Family Residential zoning district and Neighborhood form district. The site is located at the intersection of Terudon Dr and Manslick Rd. The applicant has constructed two (2) accessory structures on the subject property, directly adjacent to one another. Both structures are encroaching in the front yard infill setback along Manslick Rd, and the eastmost structure is encroaching in the street side yard infill setback along Terudon Dr as well.

Additionally, in both the front and street side yard infill setbacks, the applicant has constructed a 72 inch fence. The maximum fence height allowed in the front and street side yard setbacks is 48 inches in suburban forms. Therefore, a variance is required for both existing accessory structures and the existing fence height.

**STAFF FINDING**

Staff finds that the requested variances are adequately justified for approval based on the analysis contained in the standard of review.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1**

1. The requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public, as the accessory structures are screened from view partially by the existing fence, and partially by existing landscaping adjacent to Manslick Rd.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will alter the essential character of the general vicinity, as there are no other residential properties along Manslick Rd and Terudon Dr with accessory structures encroaching in infill setbacks. However, the request will not allow an unreasonable circumvention of the requirements, as the subject lot is oriented in a unique way that justifies the location of the accessory structures.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. The subject site is a corner lot with the front property line facing the minor arterial Manslick Rd, rather than the local Terudon Dr where all other front property lines are facing. For this reason, the applicant has significantly less space to place structures in the side and rear yards compared to the neighboring properties.

4. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant, as the applicant has already constructed the buildings that the variance is being requested for. Additionally, as the orientation of the lot is unique to the vicinity and the applicant has reduced space in the side and rear yards, there is little to no area for the structures to be moved into a complaint location.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has constructed both accessory structures.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2**

2. The requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public, as the existing fence is internal to the site and does not impede the safe movement of vehicles along either street.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations because the fence is largely screened from view along Manslick Rd and Terudon Dr by existing landscaping.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. Because the subject site is a corner lot and has a street side yard, it is unlike most properties in the vicinity. Most properties along Terudon Dr would be permitted to construct a 72 inch fence on the side of their house.

4. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant, as the fence has already been constructed. Additionally, due to the unique orientation of the applicant's lot and house, strict application of the provisions would deprive the applicant of having a 6' fence on nearly the entire parcel, which would not be the case for a typical lot on this street.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, as the fence is existing on site.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 5.1.12.B.2.e.i.1 to allow two (2) accessory structures to encroach in the front and street side yard infill setbacks.
- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in the front and street side yard infill setbacks.

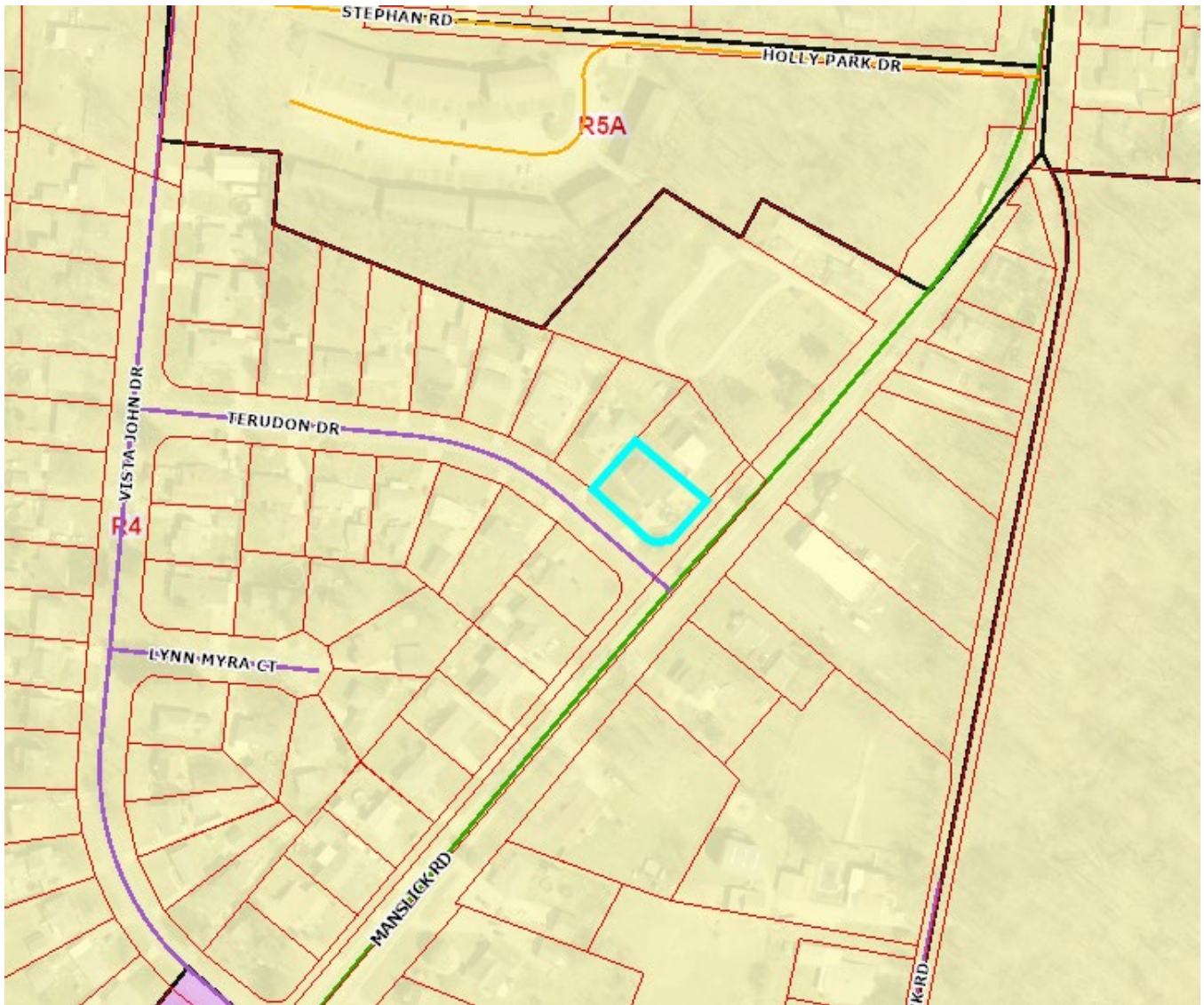
**NOTIFICATION**

Date	Purpose of Notice	Recipients
5/22/2026	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents
5/20/2026		Registered Neighborhood Groups in Council District 12

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

